REMARKS

To avoid the formal objection to the claims set forth in paragraph 18 on page 4 of the Office Action, the non-elected subject matter has been deleted, subject to the right of applicants to file a divisional application at an appropriate time.

There is a rejection of the specification under 35 USC 112 for the use of the term "aryl" either alone or as part of another group. The Office Action questions the degree of saturation/unsaturation and whether hetero atoms excluded. It is submitted that, in view of the present specification and the usual meaning of these terms, a person skilled in the art would understand that these terms refer to groups which are unsaturated and have no hetero atoms. Therefore, it should not be necessary to recite the specific groups contemplated in the specification in order to avoid this objection. Reconsideration of the rejection is therefore respectfully requested.

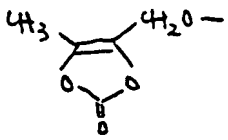
There is a rejection of the claims for being unclear in the definitions of R^2 and R^3 as to where the Markush groups begin and end. These portions of the claim have been retyped with semicolons in order to clarify the groups and their extent.

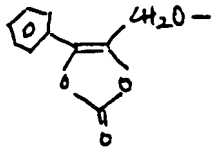
There is a rejection of the claims because of the parenthetic terminology used to define certain groups. The

question is raised to whether these are subgroups of phthalidyloxy group.

As rewritten, it is clear that these are separate groups and not part of the phthalidyloxy group. Semicolons are used to separate groups. Also, the following is noted:

(5-methyl-2-oxo-1,3-dioxolen-4-yl)methoxy and (5-phenyl-2-oxo-1,3-dioxolen-4-yl)methoxy have following chemical structure





The claims are rejected over a combination of Frehel, Bouscuet, and Bardorc (EP 421861).

The Office Action reasons that these references, when taken together, teach thieno pyridine compounds with platelet anti-aggregation properties that are closely related to the present invention. Badorc is taken as teaching essentially the same compounds with the exception of R^2. Bouscuet is also reasoned to be essentially the same except for the R^2. Frehel teaches similar compounds as well. However, with hindsight of the present application, one can reassemble compounds similar to those required in the present invention. Therefore, the Patent Office takes the position that a prima facie obviousness case is made and that test data is necessary to show that the present

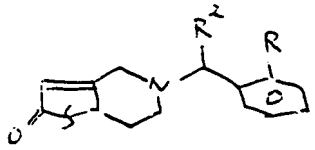
invention provides unexpected results as compared with the closest of compounds in the art.

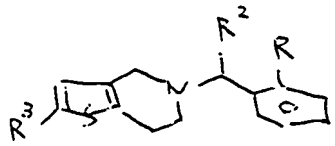
Simply combining portions of the art out of their context, using hindsight of the present application, is not sufficient to make a prima facie case of obviousness. There must be some reason for persons skilled in the art to make the substitutions other than by random selection. However, to advance the prosecution of the application, applicants have accomplished certain testing which shows unexpected activity of the present invention as compared with compounds closely related to the present invention compounds. This comparison is provided in the annexed Declaration by Fumitoshi ASAI.

The enclosed Declaration includes compounds from U.S. Patent No. 4,740,510. A copy of said patent is being transmitted concurrently herewith in an Information Disclosure Statement. Because of the close relationship of these compounds to the present invention and in view of the testing including them, it is requested that said patent be considered and cited in the present application.

Considering the Declaration in detail, applicants note the following:

Our compounds in Examples 20 and 22 having 2-oxo-2,4,5,6,7,7a-hexahydrothieno[3,2-c]pyridine ring have much more potent blood platelet aggregation-inhibitory activity than Compound C disclosed as Example in U.S. Patent No. 4,458,074. And our compounds in Examples 23, 25 and 26 having 2-alkanoyloxy-4,5,6,7-tetrahydrothieno[3,2-c]pyridine ring have much more potent blood platelet aggregation-inhibitory activity than Compound D disclosed as Example 19 in EP Publication No. 421861. Also our compound in Example 20 having a 2-fluoro-α-cyclopropylcarbonylbenzyl substituent at the 5-position of the 2-oxo-2,4,5,6,7,7a-hexahydrothieno[3,2-c]pyridine ring have much more potent blood platelet aggregation-inhibitory activity than Compound E disclosed as Example 4 in U.S. Patent No. 4,740,510.





Compd.	R^2	R
Ex. 20	$-\overset{O}{\overset{\|}{C}}$	F
Ex. 22	$-\overset{O}{\overset{\|}{C}}$	Cl
Compd. C	H	Cl
Compd. E	$-\overset{O}{\overset{\|}{C}}OCH_3$	Cl

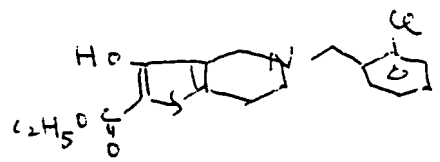
Compd.	R^3	R^2	R
Ex. 23	$CH_3-\overset{O}{\overset{\|}{C}}O-$	$-\overset{O}{\overset{\|}{C}}$	F
Ex. 25	$C_3H_7-\overset{O}{\overset{\|}{C}}O-$	$-\overset{O}{\overset{\|}{C}}$	F
Ex. 26	$(CH_3)_3C-\overset{O}{\overset{\|}{C}}O-$	$-\overset{O}{\overset{\|}{C}}$	F
Compd. D	$CH_3-\overset{O}{\overset{\|}{C}}O-$	$-\overset{O}{\overset{\|}{C}}OCH_3$	Cl

1074 — Compd. C

1510 — Compd. E

— EP421861

We think compounds disclosed in U.S. Patent No. 4,136,186, for example Compound F in Example 1 are not closer to our compounds than those in U.S. Patent No. 4,458,074 and EP Publication No. 421861.



Compd. F

New claims have been added, based in part on original Claims 22 and 25. These are Claims 57, 58 and 59. An additional filing fee of $66.00 is enclosed. Consideration of these claims along with the other claims is respectfully requested.

In view of the above, it is submitted that the present invention has been shown patentable over the cited references and the application to be in condition for allowance. Withdrawal of the rejections and allowance of the application are respectfully requested.

Respectfully submitted,

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Marshall J. Chick
Reg. No. 26,853

MJC/ws

Enc.: Check $66.00 - additional filing fee

DECLARATION UNDER 37 CFR 1.132 by Fumitoshi ASAI dated April 20, 1993